



Illegal Migration Act 2023

2023 CHAPTER 37

Entry, settlement and citizenship

30 Entry into and settlement in the United Kingdom

- (1) The Immigration Act 1971 is amended in accordance with subsections (2) and (3).
- (2) In section 8(1) (exceptions for seamen, aircrews and other special cases), at the end of paragraph (c) insert “or
 - (d) the person has ever met the four conditions in section 2 of the Illegal Migration Act 2023 (conditions relating to removal from the United Kingdom), reading subsection (3) of that section as if it referred to a person entering or arriving in the United Kingdom as mentioned in subsection (2) of that section on or after 7 March 2023;”.
- (3) After section 8A, insert—

“8AA Persons ineligible for leave to enter and remain, entry clearance and ETA

- (1) This section applies in relation to a person who has ever met the four conditions in section 2 of the Illegal Migration Act 2023 (conditions relating to removal from the United Kingdom), reading subsection (3) of that section as if it referred to a person entering or arriving in the United Kingdom as mentioned in subsection (2) of that section on or after 7 March 2023.
- (2) Subject to subsections (3) to (5), the person—
 - (a) must not be given leave to enter or leave to remain in the United Kingdom, unless it is—
 - (i) limited leave given under the immigration rules to a person within section 4(1) of that Act (unaccompanied children), or
 - (ii) limited leave to remain given under section 65 of the Nationality and Borders Act 2022 (leave to remain for victims of slavery or human trafficking) as it has effect

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- by virtue of [section 22](#) of the Illegal Migration Act 2023 (provisions relating to removal and leave),
- (b) must not be granted an entry clearance, and
 - (c) must not be granted an ETA.
- (3) The Secretary of State may give the person limited leave to enter the United Kingdom, or grant to the person an entry clearance or an ETA, if—
- (a) the person has left or been removed from the United Kingdom after having become a person within subsection (1), and
 - (b) the Secretary of State considers that—
 - (i) failure to give the leave or grant the entry clearance or ETA would contravene the United Kingdom’s obligations under the Human Rights Convention, or
 - (ii) there are other exceptional circumstances which apply in relation to the person which mean that it is appropriate to give the leave or grant the entry clearance or ETA.
- (4) The Secretary of State may give the person limited leave to remain in the United Kingdom if—
- (a) the Secretary of State considers that failure to do so would contravene the United Kingdom’s obligations under the Human Rights Convention or any other international agreement to which the United Kingdom is a party, or
 - (b) the Secretary of State has exercised the power in [subsection \(3\)](#) in respect of the person, and the Secretary of State considers that there are other exceptional circumstances which apply in relation to the person which mean that it is appropriate to give the person limited leave to remain.
- (5) The Secretary of State may give the person indefinite leave to remain in the United Kingdom if the Secretary of State considers that failure to do so would contravene the United Kingdom’s obligations under the Human Rights Convention.
- (6) In this section, “the Human Rights Convention” means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4 November 1950 as it has effect for the time being in relation to the United Kingdom.”
- (4) Until [section 2\(1\)](#) comes into force in relation to a person, [section 8AA](#) of the Immigration Act 1971 has effect in relation to that person as if it also permitted the Secretary of State to give the person limited leave to enter or limited leave to remain in the United Kingdom in any other circumstances, subject as follows.
- (5) If a person in relation to whom [section 8AA](#) of the Immigration Act 1971 applies leaves or is removed from the United Kingdom after having become such a person, [subsection \(4\)](#) of this section does not permit the Secretary of State to give the person limited leave to enter the United Kingdom if the person returns to the United Kingdom (but see [section 8AA\(3\)](#) of that Act).
- (6) If a person in relation to whom [section 8AA](#) of the Immigration Act 1971 applies is given limited leave to enter the United Kingdom under [subsection \(3\)](#) of that section, [subsection \(4\)](#) of this section does not permit the Secretary of State to give the person limited leave to remain in the United Kingdom (but see [section 8AA\(4\)](#) of that Act).

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- (7) Any leave to enter or remain in the United Kingdom given to a person by virtue of subsection (4) is to be disregarded in determining, for the purposes of this Act or any other enactment, whether the person meets the four conditions in section 2.

Commencement Information

- II** S. 30 in force at Royal Assent, see [s. 68\(3\)\(a\)](#)

31 Persons prevented from obtaining British citizenship etc

- (1) Sections 32 to 35 (ineligibility for routes to British citizenship, British overseas territories citizenship, British overseas citizenship and status as a British subject) apply in relation to a person who falls within subsection (3), read with the modifications in subsections (4) to (6).
- (2) Such a person is referred to in sections 32 to 35 as an “ineligible person”.
- (3) A person falls within this subsection if the person has ever met the four conditions in section 2 (conditions relating to removal from the United Kingdom), reading subsection (3) of that section as if it referred to a person entering or arriving in the United Kingdom as mentioned in subsection (2) of that section on or after 7 March 2023.
- (4) For the purposes of this section, references to the United Kingdom in section 2 and this section are to be read as if they included references to the Islands and the British overseas territories.
- (5) For the purposes of this section as it has effect by virtue of [subsection \(4\)](#) in relation to any of the Islands—
- (a) references in section 2 to provisions of the Immigration Act 1971 are to be read as if they included references to the provisions of that Act as extended to that Island under section 36 of that Act, and
 - (b) terms used in the four conditions in section 2 are to be interpreted in accordance with that Act as extended to that Island under section 36 of that Act.
- (6) For the purposes of this section as it has effect by virtue of [subsection \(4\)](#) in relation to any of the British overseas territories—
- (a) the references in section 2 to “leave to enter”, “leave to remain”, and “limited leave to enter or remain” are to be construed as references to any status formally granted under the immigration laws in force in that territory which is broadly equivalent to the status in question under the Immigration Act 1971,
 - (b) the references in section 2 to “deportation order”, “entry clearance” and “electronic travel authorisation” are to be construed as references to any order, clearance or authorisation made or given under the immigration laws in force in that territory which is broadly equivalent to the order, clearance or authorisation in question under that Act, and
 - (c) the references in section 2 to “entering”, “arriving” or to a document being “valid” are to be construed as references to any concept under the immigration laws in force in that territory which is broadly equivalent to the concept in question under that Act.

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- (7) In this section, “the Islands” means the Channel Islands and the Isle of Man.
- (8) This section is subject to section 36 (disapplication of sections 32 to 35).

Commencement Information

I2 S. 31 in force at Royal Assent, see s. 68(3)(a)

32 British citizenship

- (1) An ineligible person is not entitled to be registered as a British citizen under any of the following provisions—
- (a) section 3(2) or (5) of the British Nationality Act 1981 (acquisition of British citizenship by registration: minors);
 - (b) section 4(2) of that Act (acquisition of British citizenship by registration: British overseas territories citizens etc);
 - (c) section 5 of that Act (acquisition of British citizenship by registration: British overseas territories citizens having connection with Gibraltar);
 - (d) section 10(1) of that Act (registration as British citizen following renunciation of citizenship of UK etc);
 - (e) section 13(1) of that Act (resumption of British citizenship).
- (2) In relation to an application for British citizenship made by or in relation to an ineligible person, the Secretary of State may not—
- (a) cause the person to be registered as a British citizen under any of the following provisions—
 - (i) section 3(1) of the British Nationality Act 1981 (acquisition of British citizenship by registration: minors);
 - (ii) section 4A of that Act (acquisition of British citizenship by registration: further provision for British overseas territories citizens);
 - (iii) section 10(2) of that Act (registration as British citizen following renunciation of citizenship of UK etc);
 - (iv) section 13(3) of that Act (resumption of British citizenship);
 - (b) grant to the person a certificate of naturalisation as a British citizen under section 6 of that Act (acquisition of British citizenship by naturalisation).

Commencement Information

I3 S. 32 in force at Royal Assent, see s. 68(3)(a)

33 British overseas territories citizenship

- (1) An ineligible person is not entitled to be registered as a British overseas territories citizen under any of the following provisions—
- (a) section 17(2) or (5) of the British Nationality Act 1981 (acquisition of British overseas territories citizenship by registration: minors);
 - (b) section 22(1) of that Act (right to registration as British overseas territories citizen replacing right to resume citizenship of UK etc);

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- (c) section 13(1) of that Act as applied by section 24 of that Act (resumption of British overseas territories citizenship).
- (2) In relation to an application made by or in relation to an ineligible person, the Secretary of State may not—
- (a) cause the person to be registered as a British overseas territories citizen under any of the following provisions—
 - (i) section 17(1) of the British Nationality Act 1981 (acquisition of British overseas territories citizenship by registration: minors);
 - (ii) section 22(2) of that Act (right to registration as British overseas territories citizen replacing right to resume citizenship of UK etc);
 - (iii) section 13(3) of that Act as applied by section 24 of that Act (resumption of British overseas territories citizenship);
 - (b) grant to the person a certificate of naturalisation as a British overseas territories citizen under section 18 of that Act (acquisition of British overseas territories citizenship by naturalisation).

Commencement Information

I4 S. 33 in force at Royal Assent, see [s. 68\(3\)\(a\)](#)

34 British overseas citizenship

The Secretary of State may not cause an ineligible person to be registered as a British overseas citizen under section 27(1) of the British Nationality Act 1981 (registration of minors as British overseas citizens).

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I5 S. 34 in force at Royal Assent, see [s. 68\(3\)\(a\)](#)

35 British subjects

The Secretary of State may not cause an ineligible person to be registered as a British subject under section 32 of the British Nationality Act 1981 (registration of minors as British subjects).

Commencement Information

I6 S. 35 in force at Royal Assent, see [s. 68\(3\)\(a\)](#)

36 Disapplication of sections 32 to 35

- (1) This section applies in relation to a person who would otherwise be an ineligible person for the purposes of sections 32 to 35 (see section 31).
- (2) The Secretary of State may determine that the person is not to be an “ineligible person” for the purposes of sections 32 to 35 if the Secretary of State considers that the

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application of those sections in relation to the person would contravene the United Kingdom's obligations under the Human Rights Convention.

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I7 S. 36 in force at Royal Assent, see [s. 68\(3\)\(a\)](#)

37 Amendments relating to sections 32 to 36

- (1) The British Nationality Act 1981 is amended as follows.
- (2) In section 3 (acquisition of British citizenship by registration: minors), after subsection (6) insert—

“(7) This section is subject to sections 31, 32 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).”
- (3) In section 4 (acquisition of British citizenship by registration: British overseas territories citizens etc), after subsection (6) insert—

“(7) This section is subject to sections 31, 32 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).”
- (4) In section 4A (acquisition of British citizenship by registration: further provision for British overseas territories citizens), after subsection (2) insert—

“(3) This section is subject to sections 31, 32 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).”
- (5) In section 5 (acquisition of British citizenship by registration: British overseas territories citizens having connection with Gibraltar), at the beginning insert “Subject to sections 31, 32 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).”.
- (6) In section 6 (acquisition of British citizenship by naturalisation), after subsection (2) insert—

“(3) This section is subject to sections 31, 32 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).”
- (7) In section 10 (registration as British citizen following renunciation of citizenship of UK etc), after subsection (4) insert—

“(5) This section is subject to sections 31, 32 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).”
- (8) In section 13 (resumption of British citizenship), after subsection (3) insert—

“(4) This section is subject to sections 31, 32 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).”
- (9) In section 17 (acquisition of British overseas territories citizenship by registration: minors), after subsection (6) insert—

“(7) This section is subject to sections 31, 33 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).”

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- (10) In section 18 (acquisition of British overseas territories citizenship by naturalisation), after subsection (3) insert—
- “(4) This section is subject to sections 31, 33 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).”
- (11) In section 22 (right to registration as British overseas territories citizen replacing right to resume citizenship of UK etc), after subsection (4) insert—
- “(5) This section is subject to sections 31, 33 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).”
- (12) In section 24 (renunciation and resumption of British overseas territories citizenship), at the beginning insert “Subject to sections 31, 33 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).”.
- (13) In section 27(1) (registration of minors as British overseas citizens), at the beginning insert “Subject to sections 31, 34 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).”.
- (14) In section 32 (registration of minors as British subjects), at the beginning insert “Subject to sections 31, 35 and 36 of the Illegal Migration Act 2023 (restriction of eligibility for citizenship etc).”.

Commencement Information

18 S. 37 in force at Royal Assent, see [s. 68\(3\)\(a\)](#)

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